

SS SCS SB 572 -- WORKERS' COMPENSATION

(Vetoed by the Governor)

This bill changes the laws regarding workers' compensation. In its main provisions, the bill:

- (1) Specifies that every employer who is subject to the workers' compensation provisions of Chapter 287, RSMo, must be liable to furnish compensation for the personal injury or death of an employee by occupational disease arising out of and in the course of the employee's employment, and that an occupational disease is exclusively covered under workers' compensation laws;
- (2) Specifies that an employee will not be liable for a co-employee's workplace injury or death for which compensation is recoverable under the workers' compensation laws, except that an employee will not be released from liability for injury or death if the employee engaged in an affirmative negligent act that purposefully and dangerously caused or increased the risk of injury;
- (3) Specifies that a civil action involving an accidental injury or death filed by an employee or an employee's dependent against an employer or an employee of the employer cannot proceed until all administrative remedies under Chapter 287 are exhausted. The filing of a notice of the administrative action with the court will toll any statute of limitation or other time limitation regarding the civil action;
- (4) Specifies that when a third person is liable to an employee or a dependent of an employee when there is a finding that an occupational disease was caused by toxic exposure as defined in the bill and the employee or dependents are compensated under Chapter 287, the employer will not be subrogated to the rights of the employee or the dependents against the third person when the employer caused the occupational disease; and
- (5) Increases the maximum death benefit for an employee from \$5,000 to \$10,000.